

REMARKS

Application Status

This application was deemed abandoned for failure to reply to an Office action mailed on October 15, 2004. This Amendment and Remarks document accompanies a Petition to revive the application.

Examiner Interview

Two telephonic interviews were conducted on August 4, 2004, and August 18, 2004 regarding the above-captioned application. The interview participants were Kathleen Kerr and Darla Yoerg. Applicant thanks the Examiner for the courtesy extended in the interview.

The status of the application was discussed. The discussion included the reasons for abandonment and possible revival of the application. Ms. Yoerg indicated that Applicant would be petitioning to revive the application.

Objections to the Specification

The specification has been rejected for having inconsistent citations on pages 29-30. As suggested by the Examiner, the specification has been amended at these pages to remove the superscript references and reference section, and to replace them with reference material in parentheses immediately following the passage.

Allowed Claims

Applicant acknowledges with thanks the Examiner's determination that claims 30-35 are allowed.

Claim Rejections

Claims 28, 29, and 36-47 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly not complying with the written description requirement.

Claims 28, 29, and 36-47 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly not complying with the enablement requirement.

Applicant does not acquiesce in the Examiner's reasoning; however, solely in the interest of expediting prosecution, claims 28, 29, and 36-47 have been cancelled. Applicant reserves the right to prosecute the cancelled subject matter in a continuing application.


Closing Remarks

Applicant believes that the application is in condition for allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date: August 19, 2004



Darla G. Yoerg, #48,053
Swanson & Bratschun, L.L.C.
1745 Shea Center Drive, Suite 330
Highlands Ranch, Colorado 80129
Telephone: (303) 268-0066
Facsimile: (303) 268-0065

S:\CLIENT FOLDERS\REPLIDYNE\MRS09US.1\OA RESP.DOC